

SENATE BILL 495

E1

2lr1670

By: **Senator Gladden**

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – First Degree Murder – Limitation**

3 FOR the purpose of establishing that a murder is not in the first degree if it is
4 committed without prior knowledge of the intent to murder, committed under
5 duress, or committed by a person who was not a principal in the crime; and
6 generally relating to murder in the first degree.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 2–201
10 Annotated Code of Maryland
11 (2002 Volume and 2011 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 2–204
15 Annotated Code of Maryland
16 (2002 Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 2–201.

21 (a) A murder is in the first degree if it is:

22 (1) a deliberate, premeditated, and willful killing;

23 (2) committed by lying in wait;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) committed by poison; or

2 (4) committed in the perpetration of or an attempt to perpetrate:

3 (i) arson in the first degree;

4 (ii) burning a barn, stable, tobacco house, warehouse, or other
5 outbuilding that:

6 1. is not parcel to a dwelling; and

7 2. contains cattle, goods, wares, merchandise, horses,
8 grain, hay, or tobacco;

9 (iii) burglary in the first, second, or third degree;

10 (iv) carjacking or armed carjacking;

11 (v) escape in the first degree from a State correctional facility or
12 a local correctional facility;

13 (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;

14 (vii) mayhem;

15 (viii) rape;

16 (ix) robbery under § 3-402 or § 3-403 of this article;

17 (x) sexual offense in the first or second degree;

18 (xi) sodomy; or

19 (xii) a violation of § 4-503 of this article concerning destructive
20 devices.

21 **(B) A MURDER IS NOT IN THE FIRST DEGREE IF IT IS:**

22 **(1) COMMITTED WITHOUT PRIOR KNOWLEDGE OF THE INTENT TO**
23 **MURDER;**

24 **(2) COMMITTED UNDER DURESS; OR**

25 **(3) COMMITTED BY A PERSON WHO WAS NOT A PRINCIPAL IN THE**
26 **CRIME.**

1 **[(b)] (C)** (1) A person who commits a murder in the first degree is guilty
2 of a felony and on conviction shall be sentenced to:

3 (i) death;

4 (ii) imprisonment for life without the possibility of parole; or

5 (iii) imprisonment for life.

6 (2) Unless a sentence of death is imposed in compliance with § 2–202
7 of this subtitle and Subtitle 3 of this title, or a sentence of imprisonment for life
8 without the possibility of parole is imposed in compliance with § 2–203 of this subtitle
9 and § 2–304 of this title, the sentence shall be imprisonment for life.

10 2–204.

11 (a) A murder that is not in the first degree under § 2–201 of this subtitle is in
12 the second degree.

13 (b) A person who commits a murder in the second degree is guilty of a felony
14 and on conviction is subject to imprisonment not exceeding 30 years.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.